



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Attorney Kruthers, Heather H. (for Public Guardian – Conservator)

Probate Status Hearing Re: Status of Filing Fourth Accounting

DOD: 4/16/2016	<p>PUBLIC GUARDIAN, was appointed Conservator of the Person and Estate on 11/21/06.</p> <p>Public Guardian's Third Account was approved on 09/12/13. Minute order from 09/12/13 set this status hearing regarding filing of the Fourth Account.</p> <p>Status Report Re: Filing of the Fourth Account filed 5/5/2016 states:</p> <ul style="list-style-type: none"> At the 2/16/2016 hearing, the matter was continued to 5/17/2016; On 4/16/2016, the Conservatee passed away; Rather than filing a 4th account and then a 5th and final account, the Public Guardian will be filing a 4th and final account; However, the investment statement covering April has not been received to date, which will not allow time to complete the schedules and to prepare and file the final account before 5/17/2016; It is respectfully requested that the next status hearing for this matter be set no sooner than 60 days from the date of this hearing. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 2/16/2016 per request of counsel.</p>
Cont. from 111315, 021616		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input checked="" type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF / LEG
		Reviewed on: 5/11/16
		Updates:
		Recommendation:
		File 1 - Dunlop

2 Leonardo Castro & Sofia Castro (GUARD/P)

Case No. 09CEPR00412

Petitioner Marcos, Isidro (Pro Per – Father)

Petition for Termination of Guardianship

Sofia Age: 8	ISIDRO MARCOS, father, is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: Petition pertains to Sofia Castro only.</p> <p>1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Termination of Guardianship for:</p> <ul style="list-style-type: none"> • Jacinto Castro (Maternal Grandfather)
	<u>Please see petition for details</u>	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail	x	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	w/	
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 05/12/2016
		Updates:
		Recommendation:
		File 2- Castro

**Second Amended Account Current and Report of Conservator; Petition of Conservator
Petition for its Settlement, for Allowance of Attorneys Compensation and for its Termination**

		DEBRA PASLEY , Mother and Conservator of the Person and Estate with bond of \$15,000.00, is Petitioner. <i>(Not verified.)</i>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 2/9/16: Counsel requests 3 mos.</p> <p>As of 5/11/16, nothing further has been filed. The following issues remain noted:</p> <p style="text-align: center;"><u>SEE PAGE 2</u></p>
		Account period: 3/28/13 – 10/17/14	
Cont. from 042315, 060215, 081815, 091515, 102015, 120115, 010516, 020916		Accounting: <u>Not provided</u>	
		Beginning POH: \$13,438.31	
		Ending POH: \$70,195.61	
		(\$1,715.61 plus a 1/5 interest in real property in Virginia valued at \$68,480.00)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	x	
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	3/28/13	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Petitioner states: Inventory and Appraisal was filed 6/5/13 showing the value of the estate to be \$13,438.31. Summary of account and supporting schedules are provided at Exhibit B. <i>(See #1.)</i>	
		As reflected in prior pleadings, the Conservator and Conservatee moved out of state. The Conservator was appointed Guardian of the Conservatee in Oklahoma by Court order and Letters issued on 8/13/14.	
		Petitioner does not request compensation for her services.	
		Petitioner requests attorney's compensation as set forth in Exhibit "C." <i>(See #3.)</i>	
		Petitioner prays:	
		1. That this account and report be approved and settled;	
		2. That the acts of the Conservator shown in the account and report be approved;	
		3. That, upon settlement of this account, the Conservator be directed to pay her attorneys, McCormick Barstow, LLP, compensation for services rendered and, as yet, unpaid;	
		4. That the Conservatorship in California be terminated; and	
		5. That the Court grant such other and further relief as it deems just and proper.	
		Reviewed by: skc	
		Reviewed on: 5/11/16	
		Updates:	
		Recommendation:	
		File 4 – Pasley	

Page 2 – NEEDS/PROBLEMS/COMMENTS:

1. This petition does not provide any accounting in the form required by Probate Code §§ 2620, 1060, or any mandatory schedules on the required Judicial Council forms.

Need amended petition with accounting, schedules, including required mandatory form for summary. Although Petitioner has been appointed Guardian in Oklahoma, this Court retains jurisdiction for settling accounts pursuant to Probate Code §2630.

The only schedule provided at Exhibit B is a statement of property on hand, labeled as “receipts,” but which does not show any account summary, receipts, disbursements, etc., and further indicates that the conservatorship estate cash has been reduced by \$11,722.70 without explanation.

Note: The Conservatee’s interest in the Virginia real property is not an asset of this conservatorship estate, but should be referenced in its own schedule pursuant to §1063(h).

2. This petition is not verified by the Conservator as required by Probate Code §§ 1021, 1023. (Note: §1023 provides that an attorney may sign or verify on a client’s behalf if he or she is absent from the county unless the person is a fiduciary appointing in the proceeding.)
3. Petitioner requests attorney’s compensation pursuant to Exhibit C, but no Exhibit C is attached.
4. Need Notice of Hearing.
5. Need proof of service of Notice of Hearing at least 15 days prior to the hearing pursuant to Probate Code §1460(b)(6) on:
 - Morgan Elizabeth Pasley (Conservatee)
 - Debra Pasley (Conservator/Fiduciary, since the petition is not verified by her)
 - David Hal Jones (Father)
6. *The Court may also require notice to the surety of any continued or future hearings.*

Petition for Order Re Guardianship Visitation

		<p>ANGELICA ARTIGAS, Maternal Grandmother and Guardian, is Petitioner.</p> <p>Petitioner requests to modify the current order. See petition for details.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/o
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			x
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 5/11/16	
			Updates:	
			Recommendation:	
			File 5- Artigas	

Attorney Heather H. Kruthers (for Public Administrator)

Probate Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 07/13/14	PUBLIC ADMINISTRATOR, was appointed Administrator with Will Annexed on 01/05/15. Letters of Administration were issued on 01/14/15.	NEEDS/PROBLEMS/COMMENTS: Continued from 2/16/2016 per request of counsel.
Cont. from 021616	Minute Order from 01/05/15 set this status hearing regarding filing of the Account/Petition for Distribution.	1. Need Account/Petition for Final Distribution and/or current verified status report.
Aff.Sub.Wit.		
Verified	Corrected Final Inventory and Appraisal filed 2/18/2015 show an estate value of \$495,712.14.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF / LEG
		Reviewed on: 5/11/16
		Updates:
		Recommendation:
		File 7- Paregian

Report of Administrator of Insolvent Estate; Request for Discharge

DOD: 11/5/13		<p>RUTH HARDIN, Spouse and Administrator with Limited IAEA without bond, is Petitioner.</p> <p>Petitioner states the sole asset of the estate was going to be proceeds inuring to the benefit of the estate in the matter known as Zane Hardin vs. Wal Mart Stores, Inc., which on appeal to the United States Supreme Court was denied. Therefore, there are no assets in this estate.</p> <p>Administrator and attorney waive all fees and commissions.</p> <p>Petitioner prays for an order:</p> <ol style="list-style-type: none"> The final report be settled, allowed, and approved as filed, and all acts and proceedings of Petitioner as Administrator be confirmed and approved; The administration of the estate be closed; and Petitioner be discharged as Administrator. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need order.</p>	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			x
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: skc				
Reviewed on: 5/11/16				
Updates:				
Recommendation:				
File 8- Hardin				

9A In Re: The Ostergaard Family Trust

Case No. 15CEPR00449

Attorney: Michael M. Buettner (for Trustee Michael Mehling)
 Attorney: C. Russell Georgeson (co-counsel for Michael Mehling)
 Attorney: Mark E. Chielpegian (for Petitioner Karlene L. Stefani)

Petition to Modify First Amendment

		KARLENE L. STEFANI is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/26/16. Minute order states Counsel is to pursue medication forthwith. – Please see page 9B - Status re: Trial Readiness.</p>
		Petitioner alleges:	
		On 3/13/03, CARL E. OSTERGAARD and LAVERNA F. OSTERGAARD , created THE OSTERGAARD FAMILY TRUST (the "Trust").	
Cont. from 012616		The Trust was amended on 11/19/12 (the "First Amendment").	
<input type="checkbox"/>	Aff.Sub.Wit.	Carl E. Ostergaard died on 3/26/13.	
<input checked="" type="checkbox"/>	Verified	Laverna F. Ostergaard died on 9/18/14.	
<input type="checkbox"/>	Inventory	MICHAEL MEHLING is the current acting Trustee of the Trust, as amended by the First Amendment.	
<input type="checkbox"/>	PTC	Upon the death of Laverna F. Ostergaard, the Trust, as amended by the First Amendment, was to be divided into five (5) separate shares for the benefit of Petitioner, Petitioner's sister, LINDA K. OSTERGAARD ("Kathy") , and the living children of Petitioner, DRAKE A. STEFANI , DARIEN J. STEFANI and BRIEANN N. STEFANI in the following shares:	
<input type="checkbox"/>	Not.Cred.	<ul style="list-style-type: none"> • 25% of the Trust Estate, in trust, for the benefit of Petitioner; • 50% of the Trust Estate, in trust, for the benefit of Kathy; • 8 1/3%, of the Trust Estate, in trust, for the benefit of Drake A. Stefani; • 8 1/3%, of the Trust Estate, in trust, for the benefit of Darien J. Stefani; • 8 1/3%, of the Trust Estate, in trust, for the benefit of Brieann N. Stefani. 	
<input checked="" type="checkbox"/>	Notice of Hrg		
	W/		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Please see additional page	
		Reviewed by: KT	
		Reviewed on: 5/12/16	
		Updates:	
		Recommendation:	
		File 9A- Ostergaard	

Petitioner further alleges:

In addition to cash and other liquid assets, the Trust Estate consists of the following real property located in Fresno County listed with values as of 9/14/14:

i.	APN: XXX-XXX-31	\$ 200,000.00
ii.	APN: XXX-XXX-29	\$ 35,000.00
iii.	APN: XXX-XXX-30	\$ 85,000.00
iv.	APN: XXX-XXX-08	\$ 35,000.00
v.	APN: XXX-XXX-51	<u>\$ 100,000.00</u>
	TOTAL	\$ 455,000.00

Petitioner seeks to modify the First Amendment to provide that the real property shall be specifically allocated and distributed to each sub-trust established by the First Amendment, at the date of death values as follows:

- a. The Trustee shall allocate and distribute to the trust created for the benefit of Karlene L. Stefani and undivided 50% interest in the following real property as part of her 25% share of the overall Trust Estate:

i.	APN: XXX-XXX-30	\$ 42,500.00
ii.	APN: XXX-XXX-08	\$ 17,500.00
iii.	APN: XXX-XXX-51	<u>\$ 50,000.00</u>
	Total	\$ 110,000.00

- b. The Trustee shall allocate and distribute to the trust created for the benefit of Drake A. Stefani and undivided 1/6th interest in the following real property as part of his 1/12th share of the overall Trust Estate:

i.	APN: XXX-XXX-30	\$ 14,166.67
ii.	APN: XXX-XXX-08	\$ 5,833.33
iii.	APN: XXX-XXX-51	<u>\$ 16,666.66</u>
	Total	\$ 36,666.66

- c. The Trustee shall allocate and distribute to the trust created for the benefit of Darien J. Stefani and undivided 1/6th interest in the following real property as part of his 1/12th share of the overall Trust Estate:

i.	APN: XXX-XXX-30	\$ 14,166.67
ii.	APN: XXX-XXX-08	\$ 5,833.33
iii.	APN: XXX-XXX-51	<u>\$ 16,666.66</u>
	Total	\$ 36,666.66

Please see additional page

d. The Trustee shall allocate and distribute to the trust created for the benefit of Briemann N. Stefani and undivided 1/6th interest in the following real property as part of his 1/12th share of the overall Trust Estate:

i.	APN: XXX-XXX- 30	\$ 14,166.67
ii.	APN: XXX-XXX-08	\$ 5,833.33
iii.	APN: XXX-XXX-51	<u>\$ 16,666.66</u>
	Total	\$ 36,666.66

e. The Trustee shall allocate and distribute to the trust created for the benefit of Linda K. Ostergaard [aka Kathy] and undivided interest in the following real property as part of her 50% share of the overall Trust Estate:

i.	APN: XXX-XXX-31	\$ 200,000.00
ii.	APN: XXX-XXX-29	<u>\$ 35,000.00</u>
	TOTAL	\$ 235,000.00

As part of the allocation and distribution of the real property to various sub-trusts, as provided above, Linda [aka Kathy] will receive \$15,000.00 on overall value of the Trust Estate. Therefore, in order to equalize distribution of the Trust Estate, cash in the amount of \$15,000.00 shall be distributed as follows:

- To the Trust created for the benefit of Karlene L. Stefani, cash in the amount of \$7,500.00;
- To the Trust created for the benefit of Drake A. Stefani, cash in the amount of \$2,500.00;
- To the Trust created for the benefit of Darien J. Stefani, cash in the amount of \$2,500.00;
- To the Trust created for the benefit of Briemann N. Stefani, cash in the amount of \$2,500.00.

Petitioner further seeks to modify the First Amendment to provide that the real property immediately be distributed free of trust, to the beneficiary of each trust.

All the current and remainder beneficiaries of the Trust and each sub-trust consent to the proposed allocation and distribution of the real property.

The proposed modification will not impair the interest of any beneficiary of the Trust.

The proposed modification is necessary given that the Trustee is disregarding the wishes and desires of the beneficiaries, without justification, and is attempting to force the sale of the real property over the objections of all the beneficiaries. Despite there being no compelling need or requirement for sale, the Trustee is adamant that the property must be sold. Moreover, Petitioner believes that the Trustee is incurring unnecessary (i) attorneys' fees and costs in connection with the proposed forced sale of the real property, and (ii) maintenance and management expenses for the ongoing care and maintenance of the real property.

Please see additional page

Pursuant to Probate Code §15403(a) "if all beneficiaries of an irrevocable trust consent, they may compel modification or termination of the trust upon petition to the court."

In the instant matter, all of the lifetime beneficiaries, and the adult contingent remainder beneficiaries of the Trust have consented to the proposed modification.

Wherefore, Petitioner prays for an order of this court:

1. Granting the Petition to Modify First Amendment;
2. Modifying the First Amendment as set forth in Exhibit E of the Petition.

Trustee Michael Mehling's Opposition to Petition to Modify First Amendment filed on 1/25/16.

9B In Re: The Ostergaard Family Trust

Case No. 15CEPR00449

Attorney: Michael M. Buettner (for Trustee Michael Mehling)

Attorney: C. Russell Georgeson (co-counsel for Michael Mehling)

Attorney: Mark E. Chielpegian (for Karlene L. Stefani)

Probate Status Hearing RE: Trial Readiness in Light of the Court's Ruling

	Trustee, MICHAEL MEHLING , filed a petition Instructing Trustee.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Status Report was not verified. Probate Code §1021.</p>
	The Petition Instructing Trustee is currently set for trial on 9/13/16.	
Cont. from		
Aff.Sub.Wit.	On 11/20/15, beneficiary, KARLENE STEFANI, filed a Motion to Compel Further Responses to Discovery. – On 1/26/16 the court took the matter under submission. Order on Motion to Compel Further Responses to Discovery was signed on 4/4/16.	
Verified	X	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	On 11/23/15, beneficiary, KARLENE STEFANI, filed a Petition to Modify First Amendment (please see page 9A).	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.	On 12/3/15, beneficiary, KARLENE STEFANI, filed a Petition to Compel Trustee to Account, Remove Trustee and Appoint Successor and Surcharge Trustee for Breaches of Trust (please see page 9C)	
Pers.Serv.		
Conf. Screen	Minute order dated 1/26/16 ordered Counsel to pursue mediation forthwith and set this status hearing re Trial Readiness in Light of the Court's Ruling.	
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Please see additional page		<p>Reviewed by: KT</p> <p>Reviewed on: 5/12/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9B- Ostergaard</p>

Status Report of Michael Mehling, Trustee of the Ostergaard Family Trust was filed on 5/6/16. Trustee states Discovery has been propounded in the Petition Instructing Trustee. Petition Instructing Trustee is currently set for trial on 9/13/16.

Petitions to be set for trial on 5/17/16 include:

1. Petition to Modify Trust Amendment.
2. Petition to Compel Trustee to Account, Remove Trustee and Appoint Successor Trustee and Surcharge Trustee for Breach of Trust.

Time for trial is estimated as follows:

2 days for the Petition Instructing Trustee.

1 day for the Petition to Modify First Amendment.

4 days for the Petition to Compel Trustee to Account, Remove Trustee and Appoint successor Trustee and Surcharge for breach of Trust.

Settlement and Mediation:

An all-day medication was held with Retired Justice Steven M. Vartabedian on 4/7/16. No settlement was reached that day. He however did agree to make himself available for further mediation.

Settlement potential: Because of recent and continued discussions between counsel, Trustee, Michael Mehling, is optimistic a negotiated resolution can be reached between the Trustee and all beneficiaries on outstanding matters.

Requested Action:

1. Order all the parties, Trustee and Beneficiaries to engage in further settlement discussions and to utilize the services of Retired Justice Steven M. Vartabedian to assist in settlement negotiations of all issues.
2. Set the hearing (trial) on all Petitions presently pending for September 13, 2016, setting aside 5 days for trial of all pending petitions.

9C In Re: The Ostergaard Family Trust

Case No. 15CEPR00449

Attorney: Michael M. Buettner (for Trustee Michael Mehling)
 Attorney: C. Russell Georgeson (co-counsel for Michael Mehling)
 Attorney: Mark E. Chielpegian (for Petitioner Karlene L. Stefani)

Petition to 1) Compel Trustee to Account, 2) Remove Trustee and Appoint Successor, and 3) Surcharge Trustee for Breaches of Trust

		KARLENE L. STEFANI is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Continued from 1/26/16. Minute order states Counsel is to pursue medication forthwith. – Please see page 9B - Status re: Trial Readiness.</p> <p>Petition does not name a proposed successor trustee. Order contains a place to insert a date for a hearing for the purpose of nominating and appointing a successor trustee. Order also contains a place to insert a date for a hearing for the purpose of surcharging Trustee, Michael Mehling.</p> <p>Reviewed by: KT Reviewed on: 5/12/16 Updates: Recommendation: File 9C- Ostergaard</p>
		Petitioner alleges:	
		On 3/13/03, CARL E. OSTERGAARD and LAVERNA F. OSTERGAARD , created THE OSTERGAARD FAMILY TRUST (the "Trust").	
Cont. from 012616		The Trust was amended on 11/19/12 (the "First Amendment").	
<input type="checkbox"/>	Aff.Sub.Wit.	Carl E. Ostergaard died on 3/26/13.	
<input checked="" type="checkbox"/>	Verified	Laverna F. Ostergaard died on 9/18/14.	
<input type="checkbox"/>	Inventory	MICHAEL MEHLING is the current acting Trustee of the Trust, as amended by the First Amendment.	
<input type="checkbox"/>	PTC	Petitioner seeks an Order to compel the Trustee to account. Petitioner states she made the request to account on July 8, 2015; however to date no accounting has been provided.	
<input type="checkbox"/>	Not.Cred.	Moreover the accounting is required because the Trustee has failed and refused to keep the beneficiaries reasonably informed as to the administration of the trust or to report to the beneficiaries upon request in violation of Probate Code §16060 and 16061. In particular, information regarding the administration of the Trust estate was requested through formal discovery on July 9, 2015, in an effort to compel responses under penalty of perjury. The Trustee failed and refused to response to various requests without reasonable justification.	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Please see additional page			

Petitioner alleges that Trustee, Michael Mehling should be removed from the office of trustee because he violated the fiduciary duties owed to Laverne F. Ostergaard, as settlor and the initial beneficiary of the Trust, and to Petitioner, as a current beneficiary of the Trust. Mr. Mehling has failed to act with care, skill, prudence, and diligence, and has breached his duty of loyalty to the beneficiaries, has failed to deal impartially with the beneficiaries, has failed to avoid conflicts of interest, has failed to keep the beneficiaries reasonably informed of the administration of the Trust and has failed to consider the anticipated needs of the Trust and the beneficiaries thereof, among other improper conduct. The Trustee has, among other things:

1. Consistently failed and refused to keep the beneficiaries reasonably informed as to the administration of the Trust. And has further attempted to conceal and hide his improper conduct from the beneficiaries.
2. Consistently failed and refused to provide information and other documentation related to the administration of the Trust.
3. Failed and refuses to provide, or otherwise direct his attorney, Michael Buttner, to provide a complete and accurate copy of the Ostergaards estate planning file, which file is relevant to claims being made by the Trustee as to the Ostergaard's testamentary intent.
4. Field and refused beneficiaries' direction and request as to the allocation and division of the real property among the various subtrusts.
5. Breached the express terms of the Trust by selling personal property that was to be distributed and allocated equally to Petitioner and Petitioner's sister Kathy.
6. Breached the express terms of the trust by failing and refusing to make and annual distribution of principal and interest on or about September 2015 to the beneficiaries as required under the express terms of the Trust.
7. Managed the trust in an imprudent manner in that the Trustee is seeking to sell the real property at a substantial cost and expense to the Trust despite objection of the beneficiary to such sale.
8. Breached the express terms of the Trust by failing and refusing to provide an accounting within ninety days upon request of a beneficiary.
9. Engaged in a series of self-interested transactions whereby the Trustee sold assets of the trust to family members and/or friends of the Trustee. For example, the Trustee sold a certain Glock 40mm auto pistol that was to be distributed to Petitioner and Kathy, to Trustee's wife, Tanya A. Mehling.
10. Engaged in a series of self-interested transactions whereby the Trustee hired family members and/or employees of family members at the expense of the Trust estate.
11. Incurred substantial attorney's fees and cost by hiring two different law firms in an attempt to compel the sale of certain real property,

Please see additional page

12. Attempted to hide and conceal his breaches of trust by refusing to provide documentation and information to the beneficiaries.
13. Attempted to create conflict between Petitioner and Kathy in an effort to further the Trustee's own personal benefit, and to use such purported conflict to further the Trustee's self-interested desire to sell the real property.
14. Managed the Trust in an imprudent manner in that the Trustee has incurred imprudent and unnecessary maintenance and repair expenses solely to the detriment of the beneficiaries.
15. Sold or otherwise disposed of property for less than fair market value.

As a result of the Trustee's conduct and his various breaches of his fiduciary duties owed to Laverna F. Ostergaard, and to Petitioner, and the other beneficiaries of the Trust, and each subtrust thereto, Petitioner has been damaged in an amount to be determined according to proof at trial.

Wherefore, Petitioner prays for an order of this Court that:

1. The Court grant the Petition to (1) Compel Trustee to Account, (2) Remove the Trustee and Appoint Successor, and (3) Surcharge Trustee for Breaches of Trust;
2. The court Compel Michael Mehling to supply Petitioner with an accounting of trustee's administration of the Trust for the period of his appointment on January 15, 2014 through the date of his removal;
3. Michael Mehling file and accounting with the Court within 15 days of the date of this Court's Order to account, detailing the acts of Michael Mehling as Trustee of the Trust for the period of January 15, 2014 through the date of his removal;
4. The Court surcharge Michael Mehling as trustee for his breaches of trust according to proof;
5. The Court compel Michale Mehling to turn over all personal property of the Trust purportedly sold by Michael Mehling, l as trustee, to Michael Mehling or his spouse including without limitation the Glock 40mm auto pistol;
6. The Court remove Michael Mehling as trustee of the Trust;
7. The Court appoint a successor trustee for the Trust;
8. The Court award reasonable attorneys' fees and costs to the Petitioner.

Trustee Michael Mehling's Opposition to Petition to 1) Compel Trustee to Account, 2) Remove Trustee and Appoint Successor, and 3) Surcharge Trustee for Breaches of Trust filed on 1/25/16.

**Waiver of Accounting, Report of Personal Representative, and Petition for Its Settlement,
For Allowance of Compensation to Attorney and for Final Distribution**

DOD: 5/16/15		<p>BOBBY NASATO NAKANO, aka BOBBY MASATO NAKANO, Executor with Full IAEA without bond, is Petitioner.</p> <p>Petitioner is the sole heir and waives accounting.</p> <p>I&A: \$250,000.00 POH: \$250,000.00 (real property)</p> <p>Executor (Statutory): Waives</p> <p>Attorney (Statutory): \$7,500.00</p> <p>Closing: \$100.00</p> <p>Distribution pursuant to decedent's will:</p> <p>Bobby Nasato Nakano, aka Bobby Masato Nakano: Entire</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail <small>w</small>		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		<p>Reviewed by: skc</p> <p>Reviewed on: 5/11/16</p> <p>Updates:</p> <p>Recommendation: SUBMITTED</p> <p>File 10- Nakano</p>	

11 Kamila Hammid, Saheim Hammid (GUARD/P) Case No. 15CEPR01047

Petitioner Brown, U. Anthony (Pro Per – Maternal Grandfather – Petitioner)
 Petitioner Brown, Rosemary (Pro Per – Maternal Grandmother – Petitioner)
 Objector Hammid, Nanyamka Hanifahisoke (Pro Per – Mother – Objector)

Petition for Appointment of Guardian of the Person

		See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 3/29/16:</u> The Court orders this matter referred to the Dept. of Social Services for further assessment. The Court specifically orders that an unannounced visit be made to the home and an updated report provided to the Court for the 5/17/16 hearing. Nanyamka Hammid represents that she is seeking counseling for herself.</p> <p><u>Note:</u> As of 5/11/16, nothing further has been filed. The following issue remains noted:</p> <ol style="list-style-type: none"> If diligence is not found, need notice to paternal grandfather per Probate Code §1511. 	
Cont. from 010516, 021616, 032916				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input checked="" type="checkbox"/>	Pers.Serv.			w
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	Clearances			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		Reviewed by: skc		
		Reviewed on: 5/11/16		
		Updates:		
		Recommendation:		
		File 11- Hammid		

Page 2

Petitioner is an interested person in that she is a beneficiary under the will and trust executed earlier in time than the estate plan reflected in the Third Amendment and related pour-over will, if any, and has standing to bring this petition because she will benefit by judicial determination that the purported Third Amendment is invalid, thereby causing decedent's assets and the assets of the trust to be distributed through the decedent's probate estate and/or under the trust prior to execution of said Third Amendment.

Petitioner requests this Court to rescind, invalidate and nullify the Third Amendment to the Trust and any related pour-over will which is contrary to the original trust and pour-over will dated 6/27/12 on the following grounds:

- a. At the time of the alleged execution of the Third Amendment and Quitclaim Deeds, the decedent was not of sound and disposing mind and did not have sufficient mental capacity to understand the nature of her actions in executing the Third Amendment, understand and recollect the nature and situation of her property, remember and understand her relations to her family members.
- b. The Third Amendment and Quitclaim Deeds were executed as a direct result of the undue influence exerted by Lloyd Martin and/or Ione Martin.

As of March 2014, the decedent was 89 years of age and had lived with Respondents for several years. Respondents occupied a position of trust and confidence up to the time of her death. During this time, Respondents took over the decedent's financial affairs. During this time, decedent's health progressively worsened as she was aged and infirm and suffering from memory problems, and as a result was easily influenced and controlled by Respondents.

Ione Martin and Lloyd Martin took active steps to isolate the decedent and prevent her from having contact with her family members, including Petitioner. Respondents actively procured the Third Amendment and Quitclaim Deeds as part of a pattern of conduct aimed at gaining control of decedent's assets.

Petitioner believes the decedent was under Respondents' undue influence, and Respondents suggested the contents of the Third Amendment and Quitclaim Deeds submitted for execution by the decedent, arranged for execution, and cause the decedent to execute them. At the time of execution, the decedent was wholly under the influence of Respondents and the Third Amendment and Quitclaim Deeds do not represent the free and voluntary act of the decedent.

SEE ADDITIONAL PAGES

Page 3

Petitioner states the disposition of the decedent's estate as provided in the Third Amendment and Quitclaim Deeds confers an undue benefit on Respondents Lloyd Martin and/or lone Martin, and by virtue of their undue influence, Lloyd Martin now holds title to the trust real properties, including all income therefrom, as constructive trustees for the benefit of the persons entitled to distribution from the estate.

Petitioner prays for an order as follows:

1. Finding that the Third Amendment to the Hannah 2006 Trust be declared void and invalid due to the mental incapacity of decedent;
2. Finding that the Third Amendment be declared void and invalid due to the undue influence of Respondents Lloyd Martin and/or lone Martin;
3. Declaring that Respondents hold the assets of the Third Amendment and Quitclaim Deeds in trust for the person entitled to distribution of the estate of decedent;
4. That the Court appoint a temporary receiver or temporary trustee to the Hannah 2006 Trust to administer the trust and take possession of the trust property in trust for the persons entitled to distribution of the trust assets;
5. That the Court set aside the following acts of the decedent as settlor/trustee of the trust:
 - a) Quitclaim Deed conveyance between grantor Annie I. Hannah, as Trustee of the Hannah 2006 Trust to grantee respondent Lloyd Martin, dated 3/26/14 and recorded as Instrument no. 2014-0040036 (and as corrected by Quitclaim Deed dated 12/2/14 as Instrument No. 2014-0137439); and
 - b) Quitclaim Deed conveyance between grantor Annie I. Hannah as Trustee of the Hannah 2006 Trust to grantee respondent Lloyd Martin dated 7/28/15 and recorded as Instrument No. 2015-0096472.
6. The Court impose a constructive trust over the real properties of the Hannah 2006 Trust and the proceeds of said property, in trust for the persons entitled to distribution of the trust estate of decedent;
7. That respondent Lloyd Martin and/or lone Martin be disgorged of and redress the income profits generated from the assets of the Hannah 2006 Trust from and after 3/26/14;
8. For costs of suit; and
9. For such other orders that the Court deems just and proper.

Note: This petition was originally entitled In Re Annie I. Hannah Trust of 2006, Established 5/7/06, Iris Vogt, Petitioner, vs Lloyd Martin, lone Martin, and Fred D. Hannah, and Does 1-10, inclusive. Because this Petitioner is filed under the Probate Code, the title of the matter has been shortened to the name of the trust only.

Note: In addition to Notice of Hearing as required under the Probate Code, Summons was issued and served on Lloyd Martin and lone Martin.

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Tuesday, May 17, 2016

Page 4

Petitioner states the assets of the trust included various interests of real properties. See petition for descriptions. APNs as follows:

- 150-113-62
- 150-120-38
- 150-113-37
- 150-120-40
- 332-070-70
- 350-150-15
- 350-150-16
- 150-113-80
- 150-120-36
- 150-113-82

Quitclaim Deed recorded 4/9/14 as Instrument No. 2014-0040036 conveys the following APNs **from** Annie I. Hannah, as trustee of the Lionel D. Hannah Testamentary Trust, Annie I. Hannah, as trustee of the Annie I. Hannah Trust of 2006, and Annie I. Hannah, individually, **to** Lloyd Martin:

- 150-113-62
- 150-120-38
- 150-113-57
- 150-120-40
- 332-070-70
- 350-150-15
- 350-150-16

Quitclaim Deed recorded 12/5/14 as Instrument No.2014-0137439 conveys the following APNs **from** Annie I. Hannah, as trustee of the Lionel D. Hannah Testamentary Trust, Annie I. Hannah, as trustee of the Annie I. Hannah Trust of 2006, and Annie I. Hannah, individually, **to** Lloyd Martin:

- 150-113-80
- 150-120-40
- 150-120-36
- 150-113-82

Quitclaim Deed recorded 7/29/15 as Instrument No. 2015-0096472 conveys the following APNS **from** Annie I. Hannah, as trustee of the Lionel D. Hannah Testamentary Trust, Annie I. Hannah, as trustee of the Annie I. Hannah Trust of 2006, and Annie I. Hannah, individually, **to** Lloyd Martin:

- 332-071-13
- 350-150-15
- 350-150-16

However, the attached legal descriptions indicate:

- 332-070-70 (*different APN from body of Quitclaim Deed*)
- 350-150-15
- 350-150-16

Petition for: Relief from Breach of Trust; Negligence in Administration of Trust

Lionel D. Hannah DOD: 3/28/93	IRIS VOGT, SANDY I. BARTON (formerly Sandy I. Mathis), and DONNA L. MATHIS (erroneously named Donna A. Mathis), Beneficiaries, are Petitioners.	NEEDS/PROBLEMS/ COMMENTS:
Fred D. Hannah DOD: 10/27/11	<p>Petitioners list the following as Respondents: ANNIE I. HANNAH ("TRUSTEE"), LLOYD MARTIN, IONE MARTIN, TRES PORTER, FRED D. HANNAH, DOE 1: Personal Representative of the Estate of ANNIE I. HANNAH, DOE 2: Personal Representative of the Estate of FRED D. HANNAH, DOES 3-20.</p>	<p>Note: Page 14 (The Annie I. Hannah Trust of 2006) and Page 15 (Lionel D. Hannah Testamentary Trust) are related matters.</p>
Annie I. Hannah DOD: 12/21/15	<p>Petitioners state the assets of the Testamentary Trust consist of an undivided one-half interest in various real properties in Fresno County, APNs: 150-113-62, 150-120-38, 150-113-37, 150-120-40, 332-070-70, 350-150-15, and 350-150-16. See petition for descriptions. The other undivided one-half interest was owned by ANNIE I. HANNAH, individually, and/or as settlor of the Annie I. Hannah Trust of 2006.</p>	<p>Note: In addition to Notice of Hearing as required under the Probate Code, Summons was issued and served on Lloyd Martin, Ione Martin, and Tres Porter.</p>
	<p>First Cause of Action: On or about 2/5/16, Petitioners discovered that Trustee breached the Testamentary Trust and violated her fiduciary duties in that she failed to administer the Testamentary Trust in accordance with its terms and failed to exercise reasonable skill, care and diligence in the administration of the Testamentary Trust by reason of the following misconduct:</p>	
Aff.Sub.Wit.	<p>a. Trustee failed to divide and/or distribute the Testamentary Trust's assets of the Marital Trust and the Residuary Trust pursuant to the terms of Paragraph 7 of the Testamentary Trust;</p>	Reviewed by: skc
✓ Verified	<p>b. Trustee directly invaded the Testamentary Trust assets without first establishing that she had entirely exhausted the assets of the Marital Trust and any other income or resources available to her, pursuant to the terms of the Testamentary Trust;</p>	Reviewed on: 5/12/16
Inventory	<p>SEE ADDITIONAL PAGES</p>	Updates:
PTC		Recommendation:
Not.Cred.		File 15- Hannah
✓ Notice of Hrg		
✓ Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

- c. Trustee, at the time Trustee invaded the Testamentary Trust assets, did so under her own authority contrary to and in violation of the provisions of the Testamentary Trust requiring that the **nominated Successor Trustee, ROBERT HOVSEPIAN**, invade the assets on behalf of **Trustee ANNIE I. HANNAH**;
- d. On or about 3/26/14, Trustee, in violation of the terms of the Testamentary Trust, transferred and conveyed all of the right, title and interest in the real properties of the Testamentary Trust to **Respondent LLOYD MARTIN** pursuant to a Quitclaim Deed recorded on 4/9/14 as Instrument No. 2014-0040036 (corrected by Quitclaim Deed recorded 12/5/14 as Instrument No. 2014-0137439).
- e. On or about 7/28/15, Trustee transferred and conveyed all of the right, title and interest to all, or a portion of, the real properties of the Testamentary Trust to **Respondent LLOYD MARTIN** pursuant to Quitclaim Deed recorded 7/29/15 as Instrument No. 2015-0096472;
- f. Trustee, as a further result of the above transfer and conveyance of the real properties of the Testamentary Trust, failed to separately maintain certain Testamentary Trust assets designated to be administered under the **Fred D. Hannah Trust**, to which **Petitioner IRIS VOGT** is a beneficiary.

As a proximate result of the Trustee's breach of trust, the real properties of the Testamentary Trust that were to have been designated for the benefit of Petitioners have instead been transferred and conveyed to **Respondent LLOYD MARTIN**.

As further result of said breach, Petitioners have been deprived of any and all income and/or principal from the real properties designated for Petitioners, all to their damages in amounts according to proof at trial.

Second Cause of Action: Negligence in Administration of Trust. Petitioners state on or about March 2014, Trustee retained and employed **Respondent TRES PORTER** as her attorney in administration of the Testamentary Trust. Petitioners allege that the Trustee and Tres Porter knew or should have known the terms, provisions, and conditions of the Testamentary Trust. On 2/5/16, Petitioners discovered that Trustee and Tres Porter violated the Court Judgment and the terms of the Testamentary Trust and negligently, carelessly and wantonly made errors in the proper distribution and termination of the Testamentary Trust.

As a result of such negligence, carelessness and wantonness, all rights, title and interest in the Testamentary Trust assets were improperly conveyed and transferred to **Respondent LLOYD MARTIN** and as a result, Petitioners were deprived of their portion of the Testamentary Trust assets designated to be distributed to them, all to Petitioners' damages in a sum according to proof at trial.

SEE ADDITIONAL PAGES

Petitioners pray for relief as set forth below:

1. That the Court appoint a temporary receiver or temporary trustee as successor trustee to the Testamentary Trust to administer the Testamentary Trust and take possession of the trust property in trust for the persons entitled to distribution of the Testamentary Trust assets;
2. Declaring that **Respondent LLOYD MARTIN** holds the assets of the Testamentary Trust in trust for the persons entitled to distribution from the Testamentary Trust until a temporary successor trustee or temporary receiver is appointed;
3. That the Court find **ANNIE I. HANNAH**, as Trustee of the Testamentary Trust, to be in breach of trust;
4. That the Court set aside the following acts of the Trustee Testamentary Trust, in breach of trust:
 - a) Quitclaim Deed conveyance between grantor Annie I. Hannah, as Trustee of the Testamentary Trust to grantee respondent Lloyd Martin, dated 3/14/14 and recorded as Instrument No. 2014-0040036 (and as corrected by Quitclaim Deed recorded 12/5/14 as Instrument No. 2014-0137439;
 - b) Quitclaim Deed conveyance between grantor Annie I. Hannah, as Trustee of the Testamentary Trust to grantee respondent Lloyd Martin, dated 7/28/15 and recorded as Instrument No. 2015-0096472;
5. The Court impose a constructive trust over the following real properties of the Testamentary Trust, and the proceeds of said properties, disposed of in breach of Trust:
 - APN 150-113-62
 - APN 150-120-38
 - APN 150-113-37
 - APN 150-120-40
 - APN 332-070-70
 - APN 350-150-15
 - APN 350-150-16(See petition for descriptions);
6. That **Respondent LLOYD MARTIN** provide an accounting of the income proceeds generated from the assets of the Testamentary Trust from and after 3/26/14 to the present date;
7. That **Respondent LLOYD MARTIN** be compelled to redress the Testamentary Trust by payment of money damages for the income proceeds generated and retained from the Testamentary Trust assets while in his possession and control;
8. For damages in the sum according to proof;
9. For interest at the legal rate from and after 3/26/14;
10. For Costs of Suit; and
11. For such other and further relief that the Court considers just and proper.

Petition for Appointment of Conservator of the Person and Estate

	See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 5/6/16</p> <p><u>Minute Order 5/4/16:</u> Mr. Rindlisbacher states that Karen Daly objects to the conservatorship and he will be filing written objections.</p> <p><u>Note:</u> As of 5/11/16, no objections have been filed.</p> <p>1. Need Citation. (Affidavit of Personal Service attached to the Notice of Hearing filed 5/2/16 indicates service of the Citation, but the Citation itself has not been filed.)</p> <p><u>Note:</u> If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> • Tues, June 28, 2016 for filing of bond, • Tues, Sept. 20, 2016 for filing Inventory and Appraisal • Tues, July 18, 2017 for filing the first account.
		Reviewed by: skc
		Reviewed on: 5/11/16
		Updates:
		Recommendation:
		File 20- Daly

	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	w
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	w
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	x
	FTB Notice	

21 Benny Markarian (Estate)

Case No. 15CEPR00668

Attorney Laird Scott D. (for Pamela Milam – Petitioner – Daughter)

Attorney Nahigian, Eliot (for Ronald Markarian - Son)

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 05/15/2015	PAMELA MILAM , daughter/named executor without bond is petitioner.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: A competing Petition for Probate of Letters of Administration and Contest and Grounds of Objection to Probate of Purported Will were filed by Ronald Markarian on 05/06/2016. Hearing is set for 06/20/2016.</p> <p>Minute Order of 05/03/2016: Mr. Nahigian has one week to file objections. The Court indicates that it is contemplating disqualification of itself in this matter.</p> <p>1. Proposed personal representative is a resident of Florida. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, 06/14/2016 at 9:00a.m. in Dept. 303 for the filing of the Bond if required and • Tuesday, 10/11/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Tuesday, 07/18/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
	Petitioner is a resident of Miramar Beach, Florida.	
	Full IAEA – o.k.	
Cont. from 081815, 092915, 120815, 032216, 050316	Will dated: 02/20/2008	
Aff.Sub.Wit.	Residence: Fresno	
✓ Verified	Publication: The Business Journal	
Inventory		
PTC		
Not.Cred.	Estimated Value of the Estate:	
✓ Notice of Hrg	Personal property - \$129,300.00	
✓ Aff.Mail w/	Real Property - \$160,000.00	
✓ Aff.Pub.	Total - \$289,300.00	
Sp.Ntc.	Probate Referee: Steven Diebert	
Pers.Serv.		
Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 05/12/2016
		Updates:
		Recommendation:
		File 21 – Markarian